



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

December 8, 2023

BY ECF

Hon. Paul G. Gardephe
United States District Judge
United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED: By January 8, 2024, the parties will provide a further status update as to their efforts to settle this matter.

SO ORDERED.

Paul G. Gardephe
United States District Judge
Date: December 11, 2023

Re: *United States v. City Med. Assocs., et al.*, No. 15 Civ. 7261 (PGG)
State of New York ex rel. Kelly v. City Med. Assocs., et al.,
No. 15 Civ. 7261 (PGG)

Dear Judge Gardephe:

I represent the United States in the above-referenced *qui tam* action and write respectfully on behalf of all parties, pursuant to Your Honor's November 14, 2023 Order, to update the Court as to (i) whether settlement discussions between the Government and defendants Absar Haaris, Asim Hameedi and Fawad Hameedi (collectively, the "Individual Defendants") are proceeding or whether motion practice and/or discovery are needed; and (ii) whether the Government and Relator intend to move for default judgment against Defendant City Medical Associates.

At this time, settlement discussions between the Government and the Individual Defendants are ongoing and the parties wish to continue to explore whether a resolution can be reached without unnecessary litigation. As described in the parties' November 10, 2023 letter to the Court, the Government and Dr. Haaris have reached an agreement on monetary terms, but have not yet finalized the non-monetary terms of this agreement. Additionally, the Government and Asim Hameedi have also reached an agreement on monetary terms and will now work towards finalizing the non-monetary terms of the agreement.¹ Lastly, Fawad Hameedi has continued to engage with the Government on reaching a resolution premised on his financial condition.

Accordingly, the Government and defendants collectively propose that we provide a further joint update to the Court on the progress of our discussions no later than January 8, 2024.

Moreover, the Government and Relator respectfully request that the Court allow us to continue to defer making a decision as to whether we will move for a default judgment against Defendant City Medical Associates until January 8, 2024. Pursuant to Your Honor's Individual

¹ As noted in our previous letter to the Court, Asim Hameedi recently received a difficult medical diagnosis and is presently undergoing further testing and meeting with his doctors. As such, his counsel advises that he will not be immediately accessible to them through the holidays.

Rules of Practice in Civil Cases, any application for default judgment would need to include disclosure of the Government's proposed damages, which may trigger motion practice while settlement talks are ongoing with the Individual Defendants. Further, the outcome of these settlement discussions may influence whether the Government and Relator believe obtaining a default judgment against City Medical Associates is ultimately necessary.

I thank the Court for its consideration of this matter.

Respectfully submitted,

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cc (via ECF): All Counsel of Record